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OGC Has Reviewed

1 March 1955

MEMORANDUM FOR: Assistant Director for Personnel

SUBJECT : Request for Opinion by the Comptroller General

1. In regard to the proposed request for an opinion by the Comptroller General, we took the liberty of checking informally with a number of the staff of the General Counsel to the General Accounting Office, regarding the possibility of obtaining a reversal of the decision in 21 Comp. Gen. 945 (1942), where it was held that time, in excess of a prescribed period, during which an individual is absent from duty and receiving disability compensation may not be counted as time in grade for periodic-step increases. We were advised that in view of the current regulations of the Civil Service Commission, it was most unlikely that the Comptroller General would reverse or even modify his previous opinion on this subject. And in this connection it will be recalled that section 25.11 (e)(2) of the rules and regulations of the Civil Service Commission indicates specifically that leave without pay in excess of two weeks may not be considered as creditable service in computing the required waiting period for periodic-step increases.

2. While we agree with you that it is manifestly unfair to delay an individual's periodic-step increase when his leave without pay because of line of duty injury exceeds 80 hours, we believe that it would be futile for the Director to attempt, at this time, to secure a reversal of the opinion set forth in 21 Comp. Gen. 945. It would be our view that the Civil Service Commission is the proper forum to which representations should be made, specifically demonstrating the inequities inherent in their regulation 25.11 (e)(2) as presently worded and seeking its change. We would be pleased to assist in this endeavor should you so desire.

3. Your file is returned.

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Office of General Counsel

Attachments

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